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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,509	12/10/2001	Davide Libenzi	002.0232.01	9083

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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT PAPER NUMBER

2143

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,509

Applicant(s)

LIBENZI, DAVIDE

Examiner

Bunjob Jaroenchonwanit

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-12,15-20,22-27 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-12,15-20,22-27 and 29-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

PD

DETAILED ACTION

1. In response the amendment filed 6/3/05, the amendment has been reviewed; claims 1-3, 6-12, 15-20, 22-27 and 29-40 are pending for examination.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Newly rejections and objections are as stated below.
3. Claims 19 and 34 recited a computer readable medium storing code to perform the method according to claims 10-12, 15-17 or 18 and 27, 29-30 or 33, respectively. Since context of the claims read on program code, constructing using ideas of their corresponding method claims, they will be treated as independent claims. Furthermore, since these claims are presented in alternative forms, claim 19 will be examined as according to a method of claim 10 and claim 34 will be examined as according to the method of claim 27.
4. Claim 26 is objected to because of the following informalities: "TCPiIP" appears to refer to TCP/IP". Claim 33 is objected to because of the following informalities: "TCP/LP" appears to refer to TCP/IP". Appropriate correction is required.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-3, 6-12, 15-20, 22-27, 29-40 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Liu et al (US 2002/0147780, "Liu," hereafter) and Ji et al (US. 5,889,943,"Ji," hereafter).
7. Regarding claims 1, 10, 19, 20, 25, 27, 31, 32, 34 and 35, Liu discloses a method, apparatus and computer software (collectively referred to as, "system"), for implementing message screening comprising:

a system for intercepting an incoming message at a network domain boundary whereby the incoming message includes a header of a plurality of address fields storing content (Liu teaches using gateway for scanning virus, ¶ 44, 49 Col.5, lines 13-24)

a stored set of blocking rules such that each rule defines characteristics indicative of messages with bad content; a parser module identifying the contents of each address field; a comparison module checking the contents of each address field against the rules to screen bad messages and identify recognizes messages clean messages (Liu teaches determining message status from header, using address or status code, e.g., token, inherently it must have address database for comparable, this is equivalent storing blocking rule, ¶44, 49).

Although, Liu also teaches using intermediate message queue for storing cleaned message (¶71), Liu does not explicitly teach rescanning the cleaned message in the intermediate queue. However, in the same field of endeavor, Ji discloses the same. Ji teaches a method, which could easily be implemented in form of computer software and apparatus, (hereinafter collectively referred to as “system”) for detecting and eliminating electronic mail virus, which includes feature of storing message in a message queue before further scanning for virus (see abstract, Fig. 6b-6c; Fig. 8b, 11d, Fig. 13-15, Col. 16, line 37-Col.17, line 16; Col.8, line 59-line 9, line 67).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made incorporate Ji queuing message for virus scanning with Liu for reprocessing, i.e., double scanning for virus, in order to ensure data integrity and strengthen network security.

8. As per Claims 2, 11, 38 and 39, Liu-Ji teaches a message receiver discards each invalid message without further processing (Ji, Fig. 6c-662)

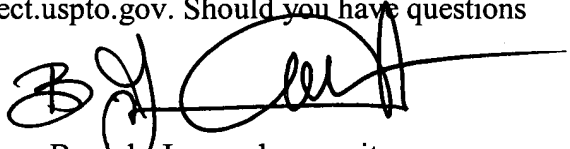
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9. As per Claims 3 and 12, Liu-Ji teaches the blocking rules specify a regular expression containing one of literal value (Liu, address, status code, ¶44).
10. As per Claims 6 and 15, Liu-Ji teaches a gateway receives the incoming messages into the network domain boundary (Liu, ¶44, Ji, Fig. 6C)
11. As per Claims 7, 16, 24 and 31, Liu-Ji teaches the structured fields comprise one of sender and recipient (Liu ¶44)
12. As per Claims 9, 18, 26 and 33, Liu-Ji teaches the distributed computing environment is TCP/IP compliant and the incoming message is SMTP compliant (Liu, ¶33).
13. As per Claims 22 and 29, Liu-Ji teaches a message queue dequeuing the screened incoming message (Ji Fig. 6c)
14. As per Claims 23, 30 and 40, Liu-Ji teaches unsecured message is block for sending to recipient (¶44), which implies, closing the open connection to the sending client of the non-screened incoming message packet.
15. As to claims 8, 17 and 35, Liu-Ji teaches message includes attachment (Ji, Col. 19, lines 7-40).
16. As to claims 36 and 37, Liu-Ji disclosing using FIFO, which has a specific determined size, i.e. constant size message queue, for storing message; claim 37 further recites consequence of using constant size message queue, there the phrase that followed “in order to” is an intended purpose or intended used, which does not further limit the claims.
17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system.



Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
9/14/05